

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
ALLENTOWN**

CASE NO.: 5:25-cv-00550

DANA HURSEY,

Plaintiff,

v.

ALFA JF LLC d/b/a WISEWATER ALFA
HEATING COMPANY,

Defendant.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff DANA HURSEY (“Hursey”) by and through his undersigned counsel, brings this Complaint against Defendant ALFA JF LLC d/b/a WISEWATER ALFA HEATING COMPANY (“Defendant”) for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Hursey brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Hursey's original copyrighted Work of authorship.
2. Hursey is an award-winning photographer and the owner of Dana Hursey Photography, a Los Angeles based high-end commercial advertising photography studio, which provides photography for advertisement agencies and corporations worldwide. Hursey was named one of the top four photographers in the United States and top 200 best advertisement photographers worldwide by Lürzer's International Archive magazine. As such, Hursey is and has been a critical advertising partner for companies to boost their sales. Hursey’s photographs capture the vibrant and quirky essence that elevate brands and set them apart from their

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competition. He studied commercial photography and film at Art Center College of Design in Pasadena, California and received a Bachelor of Fine Art with a focus on Photography. Hursey's award-winning commercial career has given him the opportunity to work with a broad range of clientele and a wide range of subject matter. Over the years, he has taught at Art Center College of Design, University of California, Los Angeles, and other various schools and workshops, and serves on the National Board of Directors for American Photographic Artists.

3. Defendant owns and operates the internet website under the name of “WiseWater Alfa Heating Company” located at the URL www.alfaheating.com (the "Website"). Defendant’s business comprises of selling mechanical parts for domestic water heating system parts and other miscellaneous gadgets, such as dog toys.

4. Hursey alleges that Defendant copied Hursey’s copyrighted Work from the internet to advertise, market and promote Defendant’s business activities.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Pennsylvania.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

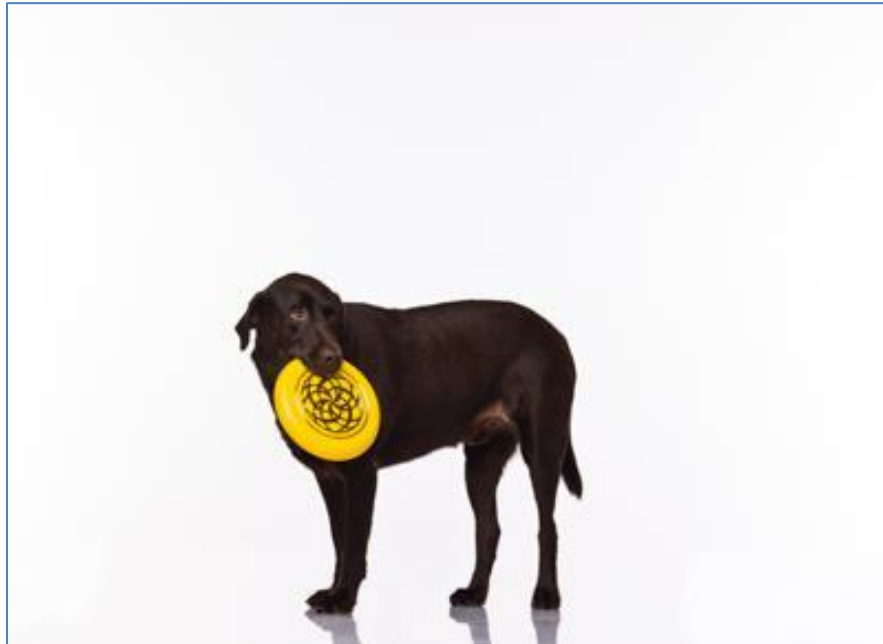
DEFENDANT

9. Defendant is a Pennsylvania Limited Liability Company, with its principal place of business at 1860 Charter Lane, Suite 102, Lancaster, Pennsylvania, 17601-6715, and can be

served by serving its registered agent, Registered Agents Inc, at 502 West 7th Street, Erie, Pennsylvania 16502.

THE COPYRIGHTED WORK

10. In 2008, Hursey created the photograph entitled “DH_436-0982,” which is shown below and referred to herein as the “Work.”



11. Hursey was granted a Certificate of Registration for the Work by the U.S. Copyright Office, which is effective as of January 24, 2017. The group registration was assigned registration number VA 2-036-559. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. At all relevant times, Hursey was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

13. Defendant has never been licensed to use the Work for any purpose.

14. On a date after the Work at issue in this action was created, but prior to the filing of this action, Defendant copied the Work.

15. On or about November 14, 2023, Hursey discovered the unauthorized use of his Work on the Website in an advertisement for the “2 in 1 Dog Frisbee, Flying Disc for Dog training, 9inch Purple & Green (2 Pack).”

16. Defendant copied Hursey's copyrighted Work without Hursey's permission.

17. Defendant altered the Work by intentionally editing the yellow frisbee in the dog's mouth and replacing it with one of Defendant's product as shown on the advertisement.

18. After the Defendant copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its business.

19. Defendant copied and distributed Hursey's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

20. Hursey's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

21. Defendant committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

22. As shown in **Exhibit 2**, Defendant's infringement involved the replacement of the Work's original yellow frisbee with a green frisbee as included on the Website.

23. Hursey never gave the Defendant permission or authority to copy, distribute, edit, or display the Work at issue in this case.

24. Hursey notified the Defendant of the allegations set forth herein on November 29, 2023. To date, the parties have been unable to resolve this dispute.

COUNT I
COPYRIGHT INFRINGEMENT

25. Hursey incorporates the allegations of paragraphs 1 through 24 of this Complaint as if fully set forth herein.

26. Hursey owns a valid copyright in the Work at issue in this case.

27. Hursey registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

28. Defendant copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Hursey's authorization in violation of 17 U.S.C. § 501.

29. Defendant performed the acts alleged in the course and scope of its business activities.

30. Defendant's acts were willful.

31. Hursey has been damaged.

32. The harm caused to Hursey has been irreparable.

WHEREFORE, Plaintiff DANA HURSEY prays for judgment against the Defendant ALFA JF LLC that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Hursey his actual damages and Defendant's profits attributable to the infringement, or, at Hursey's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Hursey be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

- d. Hursey be awarded pre- and post-judgment interest; and
- e. Hursey be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Hursey hereby demands a trial by jury of all issues so triable.

Dated: January 31, 2025

Respectfully submitted,

/s/ Joseph A. Dunne
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